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8/5/08

In re Application of:

Jean-Louis H. Gueret

Serial No.: 09/899,182

Filed: Jul. 6, 2001

Docket: 5725.0701

Title: Notched Brush and Make-Up Device
Including This Brush

DECISION ON PETITION TO
REVIEW RESTRICTION
REQUIREMENT UNDER
37 CFR 1.144

This is a decision on the petition filed Jun. 20, 2008 to review the withdrawal of at least claims 85-87, 90-124, 128-130, 133-167, 171-198, 204-230, 234-261, 267-293, 302-307, 314-319, and 326-331 from consideration made in the Feb. 20, 2008 Office action. The petition is being considered pursuant to 37 CFR 1.181 and CFR 1.144 and no fee is required for the petition.

The petition is **GRANTED**.

In the Jun. 20, 2008 petition, petitioner requests the examiner to reconsider the withdrawal of at least claims 85-87, 90-124, 128-130, 133-167, 171-198, 204-230, 234-261, 267-293, 302-307, 314-319, and 326-331 from consideration made in the Feb. 20, 2008 Office action. The petitioner contends that these claims either read on the elected species or were not subject to any of the species election requirements of the Mar. 22, 2006 Requirement for Restriction/Election.

After consulting with the examiner, it was agreed that claims 85-87, 90-124, 128-130, 133-167, 171-198, 204-230, 234-261, 267-293, 302-307, 314-319, and 326-331 should be rejoined. An Office action on the merits including the rejoined claims will follow in due course. Therefore, the request to review the withdrawal of claims 85-87, 90-124, 128-130, 133-167, 171-198, 204-230, 234-261, 267-293, 302-307, 314-319, and 326-331 is hereby granted.

The application is being forwarded to the examiner via his Supervisory Patent Examiner for further processing. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED

Frederick R. Schmidt, Director
Technology Center 3700